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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/508,797	09/21/2004	Tetsurou Hashiguchi	HOK-0245	3942

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EXAMINER

POUS, NATALIE R

ART UNIT	PAPER NUMBER
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3731

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/508,797

Applicant(s)

HASHIGUCHI ET AL.

Examiner

Natalie Pous

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 8 is/are rejected.
- 7) ☒ Claim(s) 3-6 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/21/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Regarding the Claim objections

Examiner acknowledges submission of amended claims to overcome claim objections. Thus the previous objections to the claims are withdrawn.

Regarding the Matsushita patent

Applicant's arguments, see page 2, filed 10/30/06, with respect to the rejection(s) of claim(s) 1-6, 8 and 9 under Matsushita have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Wetzel and Inoue, see below.

Regarding the double patenting rejection

The terminal disclaimer filed on 8/3/06 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US 6730100 has been reviewed and is accepted. The terminal disclaimer has been recorded. Thus the previous obvious type double patenting rejection is withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1 are rejected under 35 U.S.C. 103(a) as being obvious over Wetzel (US 5611145) in view of Inoue et al. (US 6287190) and further in view of Demci et al. (US 3672049)

Wetzel teaches a hair removing device comprising;

- a housing (1) incorporating therein a rotary motor
- the motor having an output rotor shaft (6) fixedly carrying a non-circular joint (40)
- a coupler (23) being coaxial with said joint and movable together with said actuating head (9) into and out of engagement with and from said joint said coupler (23) being slidable along the axis of said joint while keeping a driving connection there-between
- wherein the said shaving drive mechanism (430) translates the rotary motion (from drive shaft 6) of the motor directly into the reciprocating movement of said cutter (21) without any intervening reduction gear
- a shaving head which is selectively detachable to said housing (claim 5)
- said shaving head carrying a cutter and including a shaving drive-mechanism which is powered by said motor to move said cutter for cutting the hairs (fig. 3)

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- said shaving drive mechanism including a coupler (30) which is detachably connected to said joint for receiving the rotary motion of said motor

Wetzel fails to teach the following:

- an epilator head carrying epilation members for removing hairs from the user's skin
- said epilator head being detachably mounted to said housing
- a drive mechanism which is powered by said motor to actuate said epilation members
- said epilator head includes a cylinder having a center axis and carrying said epilation members
- said drive mechanism including a first linkage leading from said coupler for rotating the cylinder about said center axis in order to pluck the hairs

Inoue teaches a hair removing device comprising an epilator head carrying epilation members for removing hairs from the user's skin said epilator head being detachably mounted to said housing including a drive mechanism which is powered by said motor to actuate said epilation members, said epilator head includes a cylinder having a center axis and carrying said epilation members, said drive mechanism including a first linkage leading from said coupler for rotating the cylinder about said center axis in order to pluck the hairs in order to provide a hair removing device that effectively removes hair by plucking rather than shaving. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Wetzel with the

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epilation head of Inoue in order to provide a hair removing device that effectively removes hair by plucking rather than shaving. Further, Demci teaches that it is known in the hair removal art to provide a base housing with interchangeable heads in order to provide a device that is capable of performing multiple functions with multiple heads. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Wetzel and Inoue as taught by Demci in order to provide a device that can perform multiple functions, such as shaving and plucking.

Regarding Claim 2, the combination of Wetzel, Inoue and Demci teaches all limitations of preceding dependent claim 1, and Wetzel further teaches wherein the coupler (23) is in the form of a sleeve defining therein a socket hole, but fails to teach wherein the said joint fits in to the socket hole, and the coupler is recessed from a bottom end of the actuation head. It would have been an obvious matter of design choice to modify the coupling mechanism of the combination of Wetzel, Inoue and Demci with the said joint fitting in to the socket hole, and the coupler recessed from a bottom end of the actuation head, since the applicant has not disclosed that the coupling mechanism provides any advantage over different actuating mechanisms and it appears that the combination of Wetzel, Inoue and Demci performs the task of coupling the actuating head to the base equally well.

Regarding Claim 8, the combination of Wetzel, Inoue and Demci teaches all limitations of preceding dependent claim 1, but fails to disclose wherein the coupler of said shaving head is integrally formed with an eccentric cam which engages with a reciprocator carrying said cutter for translating the rotary motion of the motor into a

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reciprocating movement of said cutter. Wetzel does teach wherein the shaving head is integrally formed with a cam (430) which engages with a reciprocator (410) carrying a cutter (400) for translating rotary motion from the motor to a reciprocating movement of said cutter (230, 240). It would have been an obvious matter of design choice to modify the shaving head of the combination Wetzel, Inoue and Demci with an eccentric cam for actuating reciprocation movement of the cutter since the applicant has not disclosed that the eccentric cam provides any advantage over different actuating mechanisms and it appears that the combination of Wetzel, Inoue and Demci performs the task of reciprocating movement of the cutter equally well.

Allowable Subject Matter

Claims 3-6 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalie Pous whose telephone number is (571) 272-6140. The examiner can normally be reached on Monday-Friday 8:00am-5:30pm, off every 2nd Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan Nguyen can be reached on (571) 272-4963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NRP
12/13/06


ANH TUAN T. NGUYEN
SUPERVISORY PATENT EXAMINER
12/22/06.